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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,195	06/06/2000	Raymond E. Ozzie	G0008/7003	9683

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KUDIRKA & JOBSE, LLP
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SUITE 800
BOSTON, MA 02109

EXAMINER

NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
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2176

7

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/588,195

Applicant(s)

OZZIE ET AL.

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 19-32, 56-69, 77 and 81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-32, 56-69, 77 and 81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 & 4 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: election filed 11/03/2003 to the original application filed 06/06/2003.
2. Claims 19-32, 56-69, 77 and 81 are elected for examination. Claims 19, 56, 77 and 81 are independent claims.

Specification

3. The abstract of the disclosure is objected to because it exceeds the limit of 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-32, 56-69, 77 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wu** (U.S. 6,442,570 – filed 06/1999).

As to **independent claim 56**, Wu teaches an apparatus for representing and managing an XML-compliant document in a memory, the XML-compliant document being updated concurrently by a first process having a first address space in the memory and second process having a second address space in the memory, the method comprising (*Abstract & Fig.1*):

- using a first storage manager controlled by the first process that constructs, from class code in the first address space, at least one document object including first data representing a part of the XML-compliant document stored in the first address space (*a portable synchronization manager 104 ... stored on the portable computer ... Each object contains multiple data items; col.3, line 60 – col.4, line 16*) ;

- using a second storage manager controlled by the second process that constructs, from class code in the second address space which class code is identical to the class code in the first address space, at least one document object including second data representing a part of the XML-compliant document stored in the second address space (*desk top synchronization manager 116 ... data store 122 couple to the desktop synchronization manager 116. Data store stores information necessary to perform the synchronization process; col.6, lines 10-27*).

Wu does not explicitly teach “insuring that the first data and the second data are continually equated.”

Wu, however, teach the two objects are properly synchronized (*col.6, lines 50-59*). Wu also teach each object contains multiple data items (*col.3, lines 60-69*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the teachings of Wu for the insuring that the first data and the

second data are continually equated because it would have provided the capability for ensuring synchronization of data when exchanging in the computer system.

As to dependent claim 57, Wu teaches the first data is stored in a region mapped into the first address space and the second data is stored in the same region mapped into the second address space and the step (c) comprises continually equating the region data mapped in the first and second address spaces (*col.10, lines 30-56*).

As to dependent claim 58, Wu teaches the step (c) comprises requesting a copy of the region data from the first address space if the second address space does not have the most recent copy of the region data (*col.4, lines 1-16*).

As to dependent claim 59, Wu teaches locking the region data when the first process is changing the region data in the first address space (*col.6, lines 50-59 and col.9, lines 22-44*).

As to dependent claim 60, Wu teaches the step (c) comprises locking the region data when the second process is changing the region data in the second address space (*col.6, lines 50-59 and col.9, lines 22-44*).

As to dependent claim 61, Wu teaches the first process can perform read and write operations on the region wherein the method further comprises (d) grouping a plurality of the read and write operations into a transaction (*col.6, lines 50-59 and col.9, lines 22-44*).

As to dependent claim 62, Wu teaches the step (c) locking the region data during the processing of all read and write operations in a transaction (*col.6, lines 50-59 and col.9, lines 22-44*).

As to dependent claim 63, Wu teaches the step (c) further comprises periodically writes recovery log entries to a persistent (*col.6, lines 50-59 and col.9, lines 22-44*).

As to dependent claim 64, Wu teaches comprising (e) under the control of the first process, storing a copy of the region data in a non-volatile store (*col.4, lines 30-46*).

As to dependent claim 65, Wu teaches the non-volatile store comprises an object store (*col.4, lines 30-46*).

As to dependent claim 66, Wu teaches the non-volatile store comprises a file system (*col.5, lines 17-37*).

As to dependent claim 67, Wu teaches the step (c) is performed by a distributed memory system (*col.5, lines 38-45*).

As to dependent claim 68, Wu teaches further comprising (f) manipulating the first and second document objects with equivalent program code in both the first and second address space (*col.4, lines 1-16*).

As to dependent claim 69, Wu teaches further comprising (g) constructing a cross-process synchronization object that is used to synchronize the first and second processes (*col.4, lines 46-59*).

Independent claim 19 is directed to an apparatus for performing the method of claim 56, and is similarly rejected under the same rationale.

Dependent claims 20-32 include the same limitations as in claims 57-69, and are similarly rejected under the same rationale.

Independent claim 77 is directed to a computer program product for implementing the method of independent claim 56, and is similarly rejected under the same rationale.

Independent claim 81 is directed to a computer data signal embodied in a carrier wave for implementing the method of independent claim 56, and is similarly rejected under the same rationale.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Parrish et al.	U.S Patent No. 5,117,350	issue dated: May 26, 1992
Wu et al.	U.S Patent No. 6,633,924	issue dated: Oct. 14, 2003
Sluiman et al.	U.S Patent No. 6,590,589	issue dated: Jul. 8, 2003
Friedman	U.S Patent No. 6,675,353	issue dated: Jan. 6, 2004
Chinchar et al.	U.S Patent No. 6,675,178	issue dated: Jan. 6, 2004

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (703) 306-0092. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (703) 305-9792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5403 for regular communications and (703) 308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Contact Information:

Any response to this action should be mailed to:


Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Or fax to:
AFTER-FINAL faxes must be signed and sent to (703) 746-7238.
OFFICIAL faxes must be signed and sent to (703) 872-9306.
NON OFFICIAL faxes should be sent to (703) 746-7240.

All OFFICIAL faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the Office, e.g., Finance Division for fee charging, etc.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.

Maikhanh Nguyen
January 23, 2004


JOSEPH H. FEILD
PRIMARY EXAMINER